

to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. CONSCIENCE PROTECTIONS FOR MEMBERS OF ARMED FORCES WHO PROVIDE OR ASSIST WITH PROVISION OF HEALTH CARE.

(a) IN GENERAL.—The Secretary of Defense shall not take any adverse action against a member of the Armed Forces who provides or assists in the provision of health care for the Department of Defense (including as a behavioral, mental, or physical health professional) on the basis that such member declines to perform, assist, refer for, or otherwise participate in a particular medical procedure, counseling activity, or course of treatment because of a sincere religious belief or moral conviction of such member or because the particular medical procedure, counseling activity, or course of treatment would, in the professional medical judgment of such member, be harmful to the patient.

(b) NO IMPACT ON CARE.—The Secretary shall ensure that no patient is unduly delayed in receiving any medically indicated care they are otherwise eligible to receive, including preventative, emergency, and routine care, because of compliance by the Secretary with subsection (a).

(c) ADVERSE ACTION DEFINED.—In this section, the term “adverse action” includes any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

SA 4104. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1036. BRIEFING REQUIREMENTS RELATING TO TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) IN GENERAL.—Section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 969; 10 U.S.C. 801 note) is amended—

(1) in the section heading, by striking “PRIOR REQUIREMENTS FOR CERTIFICATIONS” and inserting “REQUIREMENTS FOR CERTIFICATIONS AND BRIEFINGS”;

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) BRIEFINGS.—

“(1) IN GENERAL.—Whenever the Secretary makes a certification under subsection (b) with respect to an individual detained at Guantanamo, the Secretary shall provide to the appropriate committees of Congress a

classified briefing on the restrictions of the transfer of the individual—

“(A) before the transfer; and

“(B) after the transfer has been completed.

“(2) ELEMENTS.—Each briefing required by paragraph (1) shall address the threat posed by the individual to the national security of the United States.”.

(b) CONFORMING AMENDMENT.—Section 1034(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1954) is amended by striking “section 1034(f)(2)” and inserting “section 1034(g)”.

SA 4105. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. ENSURING RELIABLE SUPPLY OF RARE EARTH MINERALS.

(a) FINDINGS.—Congress makes the following findings:

(1) The People’s Republic of China is the global leader in mining, refining, and component manufacturing of rare earth elements, producing approximately 85 percent of the world’s supply between 2011 and 2017.

(2) In 2019, the United States imported an estimated 80 percent of its rare earth compounds from the People’s Republic of China.

(3) On March 26, 2014, the World Trade Organization ruled that the People’s Republic of China’s export restraints on rare earth minerals violated its obligations under its protocol of accession to the World Trade Organization, thereby harming United States manufacturers and workers.

(4) The Chinese Communist Party has threatened to leverage the People’s Republic of China’s dominant position in the rare earth market to “strike back” at the United States.

(5) The Quadrilateral Security Dialogue is an effective partnership for reliable multilateral financing, development, and distribution of goods for global consumption, as evidenced by the Quad Vaccine Partnership announced on March 12, 2021.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People’s Republic of China’s dominant share of the global rare earth mining market is a threat to the economic stability, well being, and competitiveness of key industries in the United States;

(2) the United States should reduce reliance on the People’s Republic of China for rare earth minerals through—

(A) strategic investments in development projects, production technologies, and refining facilities in the United States; or

(B) in partnership with strategic allies of the United States that are reliable trading partners, including members of the Quadrilateral Security Dialogue; and

(3) the United States Trade Representative should initiate multilateral talks among the countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the United States Trade Representative, in

consultation with the officials specified in paragraph (3), shall submit to the appropriate congressional committees a report on the work of the Trade Representative to address the national security threat posed by the People’s Republic of China’s control of nearly ¾ of the global supply of rare earth minerals.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of the extent of the engagement of the United States with the other countries of the Quadrilateral Security Dialogue to promote shared investment and development of rare earth minerals during the period beginning on the date of the enactment of this Act and ending on the date of the report; and

(B) a description of the plans of the President to leverage the partnership of the countries of the Quadrilateral Security Dialogue to produce a more reliable and secure global supply chain of rare earth minerals.

(3) OFFICIALS SPECIFIED.—The official specified in this paragraph are the following:

(A) The Secretary of State.

(B) the Secretary of Commerce.

(C) The Chief Executive Officer of the United States International Development Finance Corporation.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Finance, the Committee on Foreign Relations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Ways and Means, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 4106. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. SENSE OF CONGRESS ON INCREASING PORT AND AIRFIELD CAPACITY OF COUNTRIES IN INDO-PACIFIC REGION.

It is the sense of Congress that, as the People’s Republic of China continues to grow in influence through infrastructure (specifically infrastructure that can easily be shifted from economic to military uses), the United States International Development Finance Corporation should prioritize providing alternative financing opportunities that increase port and air field capacity of countries throughout the Indo-Pacific region that—

(1) are targets of the predatory infrastructure development scheme of the People’s Republic of China; and

(2) are eligible for support provided by the Corporation under title II of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9621 et seq.).

SA 4107. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed

to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. LIMITATION ON MEDICAL RESEARCH TO ADDRESS CONDITIONS RELATED TO SERVICE IN THE ARMED FORCES.

Section 2358(c) of title 10, United States Code, is amended—

(1) by striking the period at the end and inserting “; or”;

(2) by striking “to finance any research” and inserting “to finance—

“(1) any research”; and

(3) by adding at the end the following new paragraph:

“(2) any medical research project unless the project directly addresses treatment of diseases, injuries, or illnesses related to service in the Armed Forces.”.

SA 4108. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION _____. EXPEDITED HIRING AUTHORITY.

(a) **EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES.**—Section 3115(e)(1) of title 5, United States Code, is amended by striking “15 percent” and inserting “25 percent”.

(b) **EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS.**—Section 3116(d)(1) of title 5, United States Code, is amended by striking “15 percent” and inserting “25 percent”.

SA 4109. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRITERIA FOR GRANTING DIRECT-HIRE AUTHORITY TO AGENCIES.

Section 3304(a)(3)(B) of title 5, United States Code, is amended by striking “shortage of candidates” and all that follows through “highly qualified candidates)” and inserting “shortage of highly qualified candidates”.

SA 4110. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed

to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NONCOMPETITIVE ELIGIBILITY FOR HIGH-PERFORMING CIVILIAN EMPLOYEES.

(a) **DEFINITIONS.**—In this section—

(1) the term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code; and

(2) the term “Executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(b) **REGULATIONS.**—Under such regulations as the Director of the Office of Personnel Management shall issue, an Executive agency may noncompetitively appoint, for other than temporary employment, to a position in the competitive service any individual who—

(1) is certified by the Director as having been a high-performing employee in a former position in the competitive service;

(2) has been separated from the former position described in paragraph (1) for less than 6 years; and

(3) is qualified for the new position in the competitive service, as determined by the head of the Executive agency making the noncompetitive appointment.

(c) **LIMITATION ON AUTHORITY.**—An individual may not be appointed to a position under subsection (b) more than once.

(d) **DESIGNATION OF HIGH-PERFORMING EMPLOYEES.**—The Director of the Office of Personnel Management shall, in the regulations issued under subsection (b), set forth the criteria for certifying an individual as a “high-performing employee” in a former position, which shall be based on—

(1) the final performance appraisal of the individual in that former position; and

(2) a recommendation by the immediate or other supervisor of the individual in that former position.

SA 4111. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1036. REVIEW AND APPROVAL BY SECRETARY OF DEFENSE OF TRANSFER OF DETAINEES FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **REVIEW AND APPROVAL.**—The Secretary of Defense shall review and approve any transfer of an individual detained at Guantanamo from United States Naval Station, Guantanamo Bay, Cuba.

(b) **TRANSFER AGREEMENTS.**—The Secretary shall sign any agreement relating to the transfer of an individual detained at Guantanamo from United States Naval Station, Guantanamo Bay.

(c) **NONDELEGATION.**—The Secretary may not delegate any responsibility under subsection (a) or (b).

(d) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—During the five-year period beginning on the date on which an individual detained at Guantanamo is transferred from United States Naval Station, Guantanamo Bay, the Secretary shall annually submit to Congress a report on the whereabouts and activities of the individual.

(2) **FORM.**—Each report required by paragraph (1) shall be submitted in classified form.

(e) **INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.**—In this section, the term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay.

SA 4112. Mr. KING (for himself, Mr. ROUNDS, Mr. SASSE, Ms. ROSEN, and Ms. HASSAN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DEFENSE OF UNITED STATES INFRASTRUCTURE

SEC. 5001. SHORT TITLE.

This division may be cited as the “Defense of United States Infrastructure Act of 2021”.

SEC. 5002. DEFINITIONS.

In this division:

(1) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given such term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(2) **CYBERSECURITY RISK.**—The term “cybersecurity risk” has the meaning given such term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).

(3) **DEPARTMENT.**—The term “Department” means the Department of Homeland Security.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

TITLE LI—INVESTING IN CYBER RESILIENCY IN CRITICAL INFRASTRUCTURE

SEC. 5101. NATIONAL RISK MANAGEMENT CYCLE.

(a) **AMENDMENTS.**—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2202(c) (6 U.S.C. 652(c))—

(A) in paragraph (1), by striking “and” at the end;

(B) in the first paragraph designated as paragraph (12), relating to the Cybersecurity State Coordinator—

(i) by striking “section 2215” and inserting “section 2217”; and

(ii) by striking “and” at the end; and

(C) by redesignating the second and third paragraphs designated as paragraph (12) as paragraphs (13) and (14), respectively;

(2) by redesignating section 2217 (6 U.S.C. 665f) as section 2220;

(3) by redesignating section 2216 (6 U.S.C. 665e) as section 2219;